

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Burgin, et al.	:	Atty. Ref:	1160215-0531072
Serial No.	09/944,836	:	Group Art Unit:	2179
Filed:	August 31, 2001	:	Examiner:	Mylinh Tran
Conf. No.	3316	:	Cust. No.	26874
For:	SYSTEM AND METHOD FOR AUTOMATED END USER SUPPORT			

**ARGUMENTS IN SUPPORT OF SECOND
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Final Office Action dated August 08, 2008, ("Final Office Action") rejected claims 1-7, 9-20, 22-25, 27 and 28 under 35 U.S.C. §102(e) as being anticipated by Szabo (U.S. Publication 2007/0156677). Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹ Applicants submit that Szabo fails to teach or suggest all of the limitations recited in each independent claim. Additionally, the Final Office Action did not address each limitation recited in at least one independent claim. Therefore, Applicants request that the panel withdraw the Office's rejections, and either re-open prosecution on the merits or allow the pending claims. The concise arguments for which review is requested are set forth below.

Claim 1

Among other things, Szabo does not disclose the features in claim 1 reciting "encoding the embedded navigation link so that it appears to be associated with a second domain, wherein the second domain is remote relative to the end-user, wherein the second domain is associated with the support location," and "replacing the embedded navigation link included in the retrieved content with the encoding of the embedded navigation link." The Office contends that paragraphs [0230] and [0255-0256] of Szabo teach these limitations.²

Paragraph [0230] discloses that metadata tags inserted into documents by authors can be used to categorize and index documents, and that metadata tags may be part of an original

¹ MPEP 2131 (emphasis added).

² Office Action at 4.

document.³ However, paragraph [0230] does not disclose replacing anything in a retrieved content document. Further, paragraph [0230] teaches away from claim 1 by stating that “a preferred embodiment according to the present invention *preserves* this valuable content-descriptive information for later categorization.” (emphasis added). Further, paragraph [0230] discloses that the metadata tags are used “for the purpose of identifying the content of such documents for categorization thereof.” This stated purpose of identifying content does not disclose the features recited in claim 1. More specifically, paragraph [0230] does not disclose encoding navigation links (or anything else) so the links appear to be associated with a second domain associated with a support location. Indeed, paragraph [0230] does not even mention different domains or providing support. Accordingly, paragraph [0230]’s treatment of metadata tags cannot be treated as disclosing the particular operations of navigation links as described in claim 1.

Applicants respectfully submit that paragraphs [0255-0256], the other section of Szabo cited by the Office, are irrelevant. Paragraph [0255] discloses ranking search engine results based on considerations of factors which are content independent (e.g., investment in the site, or frequency of visits to the site) as well as factors which depend on a web site’s content.⁴ Paragraph [0256] describes techniques for weighting data for search engine results so that the most relevant results are presented. Neither of these paragraphs discloses “encoding the embedded navigation link so that it appears to be associated with a second domain” and “replacing the embedded navigation link included in the retrieved content with the encoding of the embedded navigation link.” Accordingly, the rejection of claim 1 under 35 U.S.C. §102 should be withdrawn, and claim 1 should be allowed in its current form.

Claims 2-7 and 9-12

Applicants note that each of claims 2-7 and 9-12 depend from, and therefore incorporate each novel limitation of claim 1. Accordingly, the rejections of claims 2-7 and 9-12 should be withdrawn for at least the reasons given above with regard to claim 1. In addition to including the novel limitations of claim 1, claims 2-7 and 9-12 each recite additional limitations which provide an independent basis for patentability.

³ Szabo ¶ 230 (“A particular advantage is obtained by employing pre-encoded tags present in source documents for the purpose of identifying the content of such documents for categorization thereof. Typically, the author of a document includes one or more tags or metadata that describe the document or provide key words to assist in automatic indexing thereof.”).

⁴ Szabo ¶ 255 (“It is known in the art of search engines to rank objects according to their quality... independent of content... On the other hand, objects may also be ranked according to their relevance to a particular problem, i.e., in content or context-sensitive manner... One embodiment of the present invention, therefore, advantageously employs both types of classification data in order to determine the ranking of a record corresponding to a query.”).

Claim 13

Among other things, Szabo does not disclose a system comprising “an annotation server in communication with the automated support system; wherein the annotation server is configured to encode either the first content portion or the second content portion to create an appearance to the user that both content portions originated from a common domain that is remote relative to the user without actually changing the origin of the first content portion or the second content portion.” In rejecting claim 13, the Office asserted that these features are taught by paragraphs [0028-0029] and [0127] of Szabo.⁵ Applicants respectfully submit that the cited paragraphs do not disclose these specific features of claim 13.

Paragraph [0028] discloses an approach to information storage, searching and retrieval which includes categorizing documents using a predetermined set of categories for the purpose of generating a summary for a user. Paragraph [0029] discloses an approach to information storage, searching and retrieval which, in addition to using categories to generate summaries for a user, automatically generates a search query for retrieving information. However, paragraphs [0028-0029] do not mention or include any suggestion of changing the apparent domain of origin for any content retrieved for a user. Further, paragraphs [0028-0029] do not disclose that any of the information retrieval functions can be performed by an annotation server which is in communication with an automated support system. Indeed, paragraphs [0028-0029] do not mention an automated support system *at all*.

Applicants also submit that paragraph [0127] cannot compensate for the shortcomings of paragraphs [0028-0029]. Paragraph [0127] reads “Brusilovsky, P., Eklund, J.: ‘A study of user model based link annotation in educational hypermedia’; Journal of Universal Computer Science, Vol. 4 No 4 (1998) 429-448.” To the extent that the Examiner believes that the article cited in paragraph [0127] discloses a limitation of claim 13, Applicants respectfully request that the Office cite the appropriate portions of that article. Accordingly, since none of the sections cited by the Office teach or suggest the limitations discussed above in claim 13, the rejection of claim 13 should be withdrawn, and claim 13 should be allowed.

Claims 14-19

Applicants note that each of claims 14-19 depend from, and therefore incorporate each novel limitation of claim 13. Accordingly, the rejections of claims 14-19 should be withdrawn for at least the reasons given above with regard to claim 13. In addition to

⁵ Office Action, page 6.

including the novel limitations of claim 13, claims 14-19 each recite additional limitations which provide an independent basis for patentability.

Claim 20

Applicants note that the Office's treatment of claim 20 was combined with its treatment of claim 1, and that the combined treatment addressed *only* the limitations found in claim 1.⁶ As a result, the unique features of claim 20 were simply omitted from the discussions in the Office Action. It is well-established that all words in a claim must be considered in judging the patentability of that claim against the prior art.⁷ For example, the step of "identifying each of the plurality of embedded links" from the received data is not addressed in the Office Action. Similarly, the Office Action did not address the feature reciting "encoding a first of the plurality of embedded links to create an appearance that the first of the plurality of embedded links is associated with a second domain that is remote relative to the user while maintaining an actual association between the encoded embedded link and the first domain." Thus, because the Office's combined treatment of claims 1 and 20 failed to address limitations recited in claim 20, the rejection of claim 20 should be withdrawn, and claim 20 should be allowed.

Claims 22-24

Applicants note that each of claims 22-24 depend from, and therefore incorporate each novel limitation of claim 20. Accordingly, the rejections of claims 22-24 should be withdrawn for at least the reasons given above with regard to claim 20. In addition to including the novel limitations of claim 20, claims 22-24 each recite additional limitations which provide an independent basis for patentability.

Claim 25

Like claim 20, the Office Action's treatment of claim 25 was combined with its treatment of claim 1.⁸ Thus, because the Office Action's treatment of claim 1 addressed only the limitations of claim 1,⁹ the unique features of claim 25 were simply omitted from the Office Action. As cited earlier, it is well-established that all words in a claim must be considered in judging the patentability of that claim against the prior art. For example, the step of "identifying each of the plurality of embedded links" included in data received from a content provider is not addressed in the Office Action. Similarly, the Office did not address the step of "encoding a first of the plurality of embedded links to create an appearance that

⁶ Office Action at 3-4.

⁷ In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970).

⁸ Office Action at 3.

⁹ Office Action at 3-4.

the first of the plurality of embedded links is associated with a second domain that is relative to the user.” Thus, because the Office’s combined treatment of claims 1 and 25 addressed only limitations found in claim 1, and because claim 25 includes limitations which are not found in claim 1, the rejection of claim 25 should be withdrawn, and the claim should be allowed in its current form.

Claims 27-28

Applicants note that each of claims 27-28 depend from, and therefore incorporate each novel limitation of claim 25. Accordingly, the rejections of claims 27-28 should be withdrawn for at least the reasons given above with regard to claim 25. In addition to including the novel limitations of claim 25, claims 27-28 each recite additional limitations which provide an independent basis for patentability.

Conclusion

For at least the reasons above, Applicants respectfully submit that the rejections of the pending claims under 35 U.S.C. 102(e) as being anticipated by Szabo are clearly insufficient. Further, Applicants remind the Office that this application has been pending for over 7 years, been examined numerous times during these 7 years, and yet we are aware of no art that defeats the patentability of the present claims. Therefore, Applicants request that the panel withdraw the current rejections and either allow the pending claims in their current form or re-open prosecution on the merits.

Applicants note that due to the length and content restrictions of the pre-appeal review program, this paper does not include all arguments related to the pending claims. To the extent that Applicants have not addressed certain aspects of the present rejection, please do not construe the same as an admission as to the merits of the rejections. Indeed, Applicants reserve all rights with respect to arguments not explicitly raised herein.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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